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"ALL OF THE WHITE MEN FIRED,"
SAY LAYSAN ISLAND JAPANESE

"All of the white men on the platform fired shots at us from their revolvers." This was the testimony of both of the two witnesses who were on the stand yesterday in the Police Court in the preliminary examination of Captain Joseph Spencer, charged with murder in the first degree. The examination began in the morning about 10 o'clock before Judge Wilcox. Attorneys Kinney and Chillingworth appeared for the defendant and Attorney General Dole and High Sheriff A. M. Brown represented the prosecution.

A CROWD PRESENT.

The court room was crowded, many old waterfronters and shipping men were present and friends and acquaintances of Captain Spencer and members of the Pacific Guano and Fertilizer Company were also on hand.

Captain Spencer, calm and in the best of spirits, paid the strictest attention to every word of testimony, given by the two Japanese who had their innings. Now and then, in a strong, deep voice which was almost impossible to confine to a whisper, he answered some question put to him by his attorneys during the examination of the witnesses and often his placid countenance broke into broad smiles at some subtle question of the lawyers or some tangle of assertions unwittingly gotten into by the long-winded little Japanese. Occasionally he mopped his brow for it was exceedingly warm in the court room and every once in a while he would look up to smile a greeting to some acquaintance who would drop in to listen a while to the stories of the Japanese.

PHOTOGRAPHS OF LAYSAN.

On the table, in front of Captain Spencer and his attorneys, were spread photographs of the buildings on Laysan Island in which Captain Spencer and his wife used to live, the laborers' quarters, the guano house, the platform and so forth. A map of the place was also handy together with the official log-book of the American bark Ceylon which brought the Spencers, Captain Spilner, the carpenter and thirty-eight Japanese guano laborers back from Laysan Island a few days ago. On the floor, near to the hand of Attorney Chillingworth, lay a carefully wrapped bundle containing assorted hoop-iron weapons, something of the nature of cutlasses, with which the Japanese were armed, according to Captain Spencer and Captain Spilner and the carpenter when questioned aboard the Ceylon as she was coming into port the other day.

THE CHARGE READ.

Stenographer Davis was sworn in as the official recorder of what everybody had to say, after which the charge of wilful and premeditated murder of one Goto, on Laysan Island, "within the jurisdiction of the court," on August 11, was read. The defendant was notified that as this was only a preliminary examination he need not plead. Attorney Kinney, however, said that the prisoner would take his privilege of pleading and entered a plea of not guilty.

Then the first witness for the prosecution was called. This man was Higuchi Shiro, who, according to his testimony, stood close by Goto when that person fell after the shooting had taken place.

HIGUCHI SHIRO TESTIFIES.

High Sheriff Brown kept the witness a considerable time, making him go over carefully in detail every event of the day on which the shooting occurred, Saturday, August 11. Interpreter Gibbs translated for the Japanese witnesses.

Higuchi Shiro, who is pictured in the witness box in the illustration, testified, in substance as follows: The Japanese on Laysan Island went to work at 5 o'clock on the morning of Saturday, August 11, the day on which Goto fell. At 9 o'clock in the morning a number of the Japanese, representing the whole number, went to Captain Spencer for the purpose of arranging with him, if possible, for the men to alternate in working ashore and on the water. It was their desire, said the witness, to work one day on land and the next day afloat.

The reason of this was that the guano

dust, blown by the fresh sea breezes, got into the eyes of the laborers and greatly bothered them.

WANTED EXTRA PAY.

Captain Spencer informed Tanaka, the luna of the Japanese, that he could not very well comply with the request of the men in this respect, said the witness. Then the laborers applied for higher wages in view of the fact that their eyes were suffering from the successive days of work under the same uncomfortable conditions. Shiro testified that the Captain had said that he could not give the men extra pay and that he had said he would send the Japanese back to Honolulu on the next vessel if they repeated their request.

"Then what did Captain Spencer say?" asked the High Sheriff.

WENT TO THEIR QUARTERS.

"He said 'Get out!' So we all went to our house," answered Shiro. Some slept at their quarters while others passed the morning in reading, according to the witness.

"When did you next speak to the Captain?"

"About 11 o'clock in the morning when we asked for some rice."

"Did you get any rice?"

"No."

"Why not?"

"The boss said that if we didn't work we would get no rice."

"Were you willing to work?"

"We were willing to work, but the boss told us to 'get out,' so we went to our house and didn't work."

"When was the next time you went to Captain Spencer?"

"About 4 o'clock in the afternoon."

"What happened then?"

"Tanaka, the luna, came home and the boss came to our house."

"Well! go on—what did they do—tell all about it."

"The boss found Goto, one of the Japanese who was killed, drinking from a gin bottle and he took it away from him."

"What next?"

WANTED TO BUY RICE.

"The Japanese asked the boss to sell them some rice. They said they had money of their own and wanted to buy what rice they needed."

"Did you get any rice?"

"No; the boss said he could not sell any rice."

"Why not? Did he say?"

"He said the rice belonged to Hackfeld, and he had no right to sell it."

"At half-past six o'clock on the evening of Saturday, August 11, according to the testimony of Higuchi Shiro, the Japanese sent word to Captain Spencer that 'they couldn't stand it,' and wanted to know if they were to be killed by starvation. They came and stood about six feet from the platform where the five white men were stationed."

"What did you go to the platform for?" asked the High Sheriff.

THEY WANTED RICE.

"To get rice."

"Was any rice kept on the platform?"

"No; not on the platform. The rice was kept near the house where the boss lived."

"Did you ask for rice, then?"

"Yes."

"Did you get any?"

"No."

"Were you told not to go on the platform?"

"The boss said that a few of us could go on the platform to talk over the matter."

"Did any of you go on the platform?"

"Goto and I and several others stepped up to go on the platform."

"Well; what then?"

"They pointed guns at us."

"Who did?"

"All of the five white men on the platform."

"Did any of you tell the white men to go ahead and shoot?"

"No. We asked them why it was they pointed guns at us when we were just asking them for rice."

WHEN THE SHOOTING BEGAN.

"They began shooting at us."

"Who did?"

"All of the five white men on the platform."

"Then what happened?"

"Goto fell."

"Where did he fall?"

"On the platform."

"On what part of the platform?"

"On the edge, near the steps."

"What did you do?"

"I ran away."

"How far were you from the white men when they shot at you?"

"About ten feet."

"What did the Japanese do then?"

"They ran toward their quarters."

"When the Japanese went towards the platform did they carry knives or clubs, or any arms?"

"Why, no; we would be very foolish to go armed when all we wanted was some food. We did not want to fight."

The above are only a few of the questions and answers up to this point in the direct examination. The little Japanese was never guilty of answering a question directly, but required several questions on the same point before he would give an answer. He spoke carefully and, judging from his gestures, with great precision.

A SAMPLE ANSWER.

"What time was it when the shooting took place?" continued the High Sheriff.

"It was at night."

"What time of the night?"

"About dark."

"Was it dark when the shooting took place?"

"Not so very dark."

"How far could you see?"

"Only just in front."

"Then it was just beginning to get dark when the shooting took place?"

"It was not long after the sun had set."

"What occurred after the shooting, after the Japanese had run away to their quarters?"

"Tanaka came and told the Japanese to stay in their quarters or the white men might kill them all."

"Afterwards Goto was carried to the bark Ceylon and put aboard, where he died two days after being shot. He was buried on the island. High Sheriff Brown here turned the witness over to the attorneys for the defense."

CROSS-EXAMINATION.

Attorney Kinney started on a very thorough and lengthy cross-examination of Higuchi Shiro shortly after 11 o'clock in the morning.

"How long had you been in these islands before you went to Laysan Island?" asked Kinney.

"About four years."

"What were you doing?"

"Working on plantations."

"Where?"

"At Waimanalo."

"What was your number at Waimanalo?"

"Two hundred and one."

"Did you hear anything about a change in the government of Hawaii affecting the Japanese laborers on Laysan Island?"

"No; nothing of the kind."

"Is it not so that the Japanese who went to Laysan Island this last time took the news of Hawaii becoming a Territory of the United States, and that the Japanese who went from here told the laborers on Laysan Island that they were now free men, and need not work any more on the island?"

"I didn't hear any talk about that at all."

"Then you heard no talk about labor contracts being made void by the application of American laws here?"

"I heard no talk like that."

"Didn't any of the twelve Japanese who arrived at Laysan on the Ceylon say anything about the change of laws and the effect on the contract system?"

"I heard no one say anything about the change."

FESTIVAL OF THE DEAD.

"On the day of the shooting did the Japanese have a flag raised on top of their house?"

"Yes."

"What was the significance of that flag?"

"It was a Japanese holiday."

"What was the holiday for?"

"A festival for the dead."

"Were the Japanese banging on pots and kettles, and making a great noise?"

"I heard a noise."

"Were the Japanese wrestling among themselves?"

"Yes."

"Was this all in celebration of the dead?"

"Yes."

"Were any of the Japanese picking up things and hurling them to the ground again?"

"I don't know about that."

"Then the flag and the banging on the kettles, and the wrestling, and other things were all in celebration of the dead, or of somebody you thought was going to die—which?"

"The Japanese wrestle and do these other things on their holidays."

"Then your actions had no significance to the boss or any of the white men, or had nothing to do with your intentions toward them?"

"It was all in the celebration of the festival of the dead."

"When is this Japanese holiday?"

"On the 17th of August in the Japanese calendar. In the English calendar it is the 11th of August."

SPILNER WOULD BE BOSS.

In the cross-examination of Higuchi Shiro it was shown that Captain Spilner, formerly of the Honolulu mounted police patrol, had informed the witness just after Captain Spencer had left for Honolulu that the Captain was not going to return to Laysan Island, and that he, Spilner, was to be the manager for four or five years after Spencer left. According to the witness, after Spencer had come back, Spilner

told the Japanese that they would work harder than they had and the Captain was away. At some court adjourned until 2 o'clock in the afternoon.

AFTERNOON SESSION.

Attorney Kinney still had the witness when the court resumed at 2 o'clock. He questioned him very closely as to the rice and water and knocking off of work on the part of the Japanese.

"How many times did you ask rice?" asked Kinney.

"Two or three times."

"Before the shooting occurred, were you given rice last?"

"We had some rice on Saturday morning for breakfast; it was left from the night before."

"When was the time that you supposed to get your rice?"

"At noon on Saturday."

"What time did you go for it?"

"The cook went about 11 o'clock."

"Did he get any?"

"No."

"What did he tell you?"

"He said that the boss said we not get any rice unless we worked."

"Were you willing to work?"

"The boss told us to 'get out,' so we went to our quarters."

"What occurred about 6 o'clock in the evening, when you went to the platform to see the boss?"

"We went to ask for rice."

"Why did you go to the platform ask for rice?"

"We were very weak for food, and we went to talk it over to the boss to see if we couldn't get rice."

"You were all very weak?"

"Yes."

"How long had you been in food?"

"We had no rice for lunch and didn't have any for supper."

"And you had not been working the day?"

"No."

"Then you were not so very weak?"

"We felt a little weak, having no food."

"Which bothered you most, or no work?"

"We were hungry and weak, but willing to work."

About 3 o'clock Kinney was with the first witness. He had asked him most thoroughly, asking him numerous questions, and bringing many interesting things. Shiro dictated himself once or twice and rather a serious tangle once, but most careful witness, and took very coolly, never losing self-possession.

THE SECOND WITNESS.

Okamu was the second witness in the prosecution. High Sheriff Brown did not hold him long, and soon had him over to Kinney. Okamu told him most the same story as was told by Shiro. He said that all of the white men fired at the Japanese from the platform. He didn't see Goto fall, because he ran away when the first was fired. He said that the white men pointed their revolvers at the platform when four or five men started firing on the platform in the evening.

CAPTAIN'S SON FIRED FIRST.

Okamu testified that Captain Spencer's son fired the first shot from the platform. He said all the white men fired shots from their revolvers. The Captain cried "Go ahead!" they all fired from the platform. Both Okamu and Shiro testified that none of the Japanese carried hoop-iron weapons, and that when they went to the platform, they said they were used in fishing. Okamu was questioned by Kinney at length on the rice matter. A trap to the method of dealing out the rice at noon one week and in the evening the next week, and the reasons for, was being straightened out. Judge Wilcox adjourned court until 2 o'clock this afternoon.

The Japanese Consul, Miki Sato, an attentive listener at the examination.

WANTS TO REMAIN.

Corporal Battney, First Regiment, Applies to High Sheriff.

Corporal Battney of "B" Company, First U. S. Infantry, yesterday made personal application to High Sheriff Brown, asking that his name be placed on the applicant list for a position on the Mounted Patrol. The High Sheriff was favorably impressed with the young soldier, and gave him a letter of reference so that in applying for discharge at Manila or elsewhere, the letter will stand in his credit in the charge application.

Battney is an ideal soldier boy in appearance, and his regular Army training has made him a straight, wiry young fellow. He is 22 years of age and Captain Fox believes he will make a splendid addition to the